

Elementary and Secondary Education Act (ESEA)

Title III, Parts A & C

English Language Acquisition, Language Enhancement, and Academic Achievement



2014-2015 Title III Application Instructions

Contents

General Information	2
Instructions for application	
Section A: Contact Information	3
Section B: Assurances and Certification	3
Section C: Assurances by Members of Consortium	3
Section D: Data Tables	3
Section E: Private School Participation	3
Section F: Annual Report for 2013-2014	3
Online Application	4
Appendices I – VI (Guidance and selected Title III law)	
Appendix I: Allocations	4
Appendix II: Purpose and Use of Title III funds	5
Appendix III: Private School Participation in Title III	6
Appendix IV: Parental Notification and Participation	8
Appendix V: Reports, Evaluation, and Accountability	9
Appendix VI: Title III Requirements for Consortia	9

**Deadline for submission of electronic application and Sections A-F on the GMS:
August 29, 2014**

Questions? Please contact Andrea Somoza-Norton, Ed.D., Title III State Director at
Andrea.Somoza-Norton@doe.nh.gov

Submit hard copy of Sections A - C, with original signatures, to:

**Paula DeLisi
New Hampshire Department of Education
101 Pleasant Street
Concord, NH 03301**

GENERAL INFORMATION

Title III, Part A, Language Instruction for Limited English Proficient and Immigrant Students, is one of the programs included in the No Child Left Behind Act of 2001 (NCLB), the reauthorization of the Elementary and Secondary Education Act (ESEA). One of the primary goals of NCLB is that all limited English proficient students will attain English proficiency.

Purpose: Title III funds are directed to state education agencies (SEAs) and eligible local education agencies (LEAs) or consortia through a formula grant allocation to

- develop high-quality language instruction educational programs;
- assist SEAs, LEAs, and schools to build their capacity to establish, implement, and sustain language instruction and development programs, based on scientific research on teaching LEP children, that the agencies believe to be the most effective for teaching English;
- promote parental and community participation in language instruction educational programs for the parents and communities of LEP children; and
- hold SEAs, LEAs, and schools accountable for increases in English proficiency and core academic content knowledge of LEP children by: (A) demonstrated improvements in the English proficiency of LEP children each fiscal year; and (B) adequate yearly progress on statewide assessments for LEP children, including immigrant children and youth, as described in Section 1111(b) (2).

Eligible Applicants: State Educational Agencies (SEAs) receive funds from the US Department of Education to support both state and local educational agency activities. The SEA distributes funds for LEAs according to a formula based on the number of LEP and immigrant students within each LEA proportional to the total number of LEP and immigrant students statewide. Title III projected allocations are based on the number of LEP students who were enrolled in NH public schools, according to data submitted to the State in 2013-2014.

Single districts: An LEA must have enough LEP students to qualify for a subgrant award amounting to at least \$10,000. The SEA cannot award a subgrant to a Local Education Agency (LEA) for less than \$10,000 (Title III, Subpart 1, Section 3114). An LEA that receives a subgrant award becomes an “eligible entity” in the Title III accountability system. Additional information is provided in Appendix V.

Consortia: An LEA that does not qualify to apply independently may join with one or more other LEAs and apply as a Consortium. When their student numbers are combined, the LEAs must qualify for a grant of at least \$10,000. Within each consortium, one of the LEAs must serve as the fiscal agent. (LEAs that are eligible to apply independently may still choose to form a consortium and pool their resources.) A funded consortium becomes an “eligible entity” in the Title III accountability system, which is described in Appendix V. Additional information for Title III Consortia is contained in Appendix VI.

Projected allocations for 2014-2015 will be posted on the DOE website in early July, 2014. Please click on the “Allocations” link under “2014-15 Title III Application” on the Title III web page.

2014-2015 TITLE III APPLICATION INSTRUCTIONS

DEADLINE for submission: August 29, 2014

CONTACT: Andrea Somoza-Norton, Ed.D.
Title III Director/ESOL Consultant
Phone: (603) 271-2034
Email: Andrea.Somoza-Norton@doe.nh.gov

SECTION A: LEA Contact Information -An LEA that is applying as a single district for Title III funds or a Fiscal Agent for a Consortium fills out this section. Note: A fiscal agent is a single district, not an SAU. **MAIL TO NHDOE**

SECTION B: Assurances & Certification - Carefully read the assurances and appendices. By signing, the LEA (or Fiscal Agent for a Consortium) agrees to meet the requirements under NCLB, State, and Federal law, which are articulated in the assurances and appendices. **MAIL TO NHDOE**

SECTION C: Assurances & Certification for LEA Consortium Members

Table 1: All LEAs that intend to participate in a Title III Consortium are required to complete this section, sign, and certify that they will meet the assurances under NCLB, as well as comply with Federal and State laws pertaining to English Learners. Therefore, all members of a consortium should read the same assurances and appendices mentioned in Section B. Note: An “Authorized Representative” is a Superintendent or Assistant Superintendent, not an ESOL Coordinator. **MAIL TO NHDOE**

Table 2: Please fill in the name of the Title III ESOL Coordinator in each LEA.

SECTION D: Data Tables

Each member of a consortium completes this section.

Table 1: Please provide the name, FTE, school assignment, and type of program (school day, after school, summer) for each ESOL staff person in the appropriate category. Be sure to differentiate between locally-funded and Title III-funded ESOL staff. **ATTACH TO ONLINE APPLICATION**

SECTION E: Private School Participation

Each member of a consortium completes this section.

If your district provided Title III services to ESOL students in a private school during 2013-14, please write a short evaluation of services that were implemented. **ATTACH TO ONLINE APPLICATION**

SECTION F: Annual Report for 2013-14

Each member of a consortium completes this section.

All Title III applicants (including each LEA in a consortium) must fill out an annual report as described in Section F. This report enables the State to assess local needs for technical assistance and professional development, and also provides information that will be used for federal reports. **ATTACH TO ONLINE APPLICATION**

ONLINE APPLICATION

The Title III electronic application and budget narrative must be completed by the Fiscal Agent. The application template is housed in the NHDOE Grants Management System. The budget is a summary of all proposed expenditures by members of the consortium. Please refer to detailed instructions for the submission of the electronic application, including attachments (Sections D, E,

and F).

ACTIVITIES

At a minimum, each applicant must address:

CATEGORY 1 - Required Activity #1: Language Instruction Educational Program

Please be specific about the types of instructional materials and software to be purchased, the purpose of ESOL field trips, and collaboration with other programs to improve language instruction. Textbooks for core ESOL instruction cannot be purchased through Title III. *See examples in detailed instructions for the online application.* Please contact the Title III office regarding the purchase of supplemental equipment and the hiring of tutors to reinforce ESOL instruction.

and

CATEGORY 2 - Required Activity #2: Professional Development

All Title III districts and Consortium members, regardless of the amount of their Title III grant awards, must expend some of their funds for sustained Professional Development. At a minimum, these funds can be used to cover mileage to DOE-sponsored PD events. If teachers or tutors plan to enroll in an ESOL course for college credit, note whether it is graduate-level and/or will be applied toward ESOL certification.

Consortium member districts may also choose to pool a designated amount of the consortium's combined allocations for joint professional development activities, and provide release time and travel expenses for district-hired ESOL teachers, paraprofessionals, mainstream teachers, and/or administrators to attend appropriate PD sessions. Please indicate "Attendance at Consortium PD" and describe the joint activity.

CATEGORY 3 - Additional Authorized Activities: Family Literacy, Parent Outreach, etc.

Applicants are encouraged, but not required, to develop Category 3 activities. However, they cannot take the place of either of the two required activities. Use of Title III funds for interpretation and translation is limited to Title III parental notification, AMAO report, description of Title III ESOL program services, and postage for above notifications

BUDGET NARRATIVE

No more than 2% of a Title III LEA subgrant may be used for indirect costs.

Please note that the "project period" may extend for 24 months, rather than 12, from the date of submission. However, since this is an annual application, we strongly encourage subgrantees to fully expend their grant awards in a twelve-month period.

Read NCLB Title III law: www.ed.gov/about/offices/list/OELA.

APPENDIX I: ALLOCATIONS

The eligibility criteria for Title III applicants are explained in the Title III General Information page which precedes the instructions. LEAs interested in forming a consortium should contact other LEAs to explore options for writing an application and coordinating educational services under Title III. Funds allocated to LEAs that do not apply will be reallocated to LEAs that apply and meet all the grant application requirements.

By federal law (Title VI of Civil Rights Law of 1964), all students who are LEP must be identified, assessed, and provided appropriate language instructional and academic support services. Both Title I and Title III of NCLB require that ALL LEP students be assessed annually in listening, speaking, reading, and writing in the manner prescribed by the SEA. Starting in 2007, all New Hampshire districts have used the **ACCESS for ELL®s** as the English language proficiency test. This assessment is based on New Hampshire's English

Language Proficiency (ELP) standards, which are linked to the academic content standards.

This year the LEA count of eligible LEP students includes students in grades K-12 who were identified through 2013-14 data collected by the State. Local allocations are based on the number of LEP students in the LEA proportional to the total number of LEP students statewide. LEA allocations will be posted on the DOE website as soon as they are available. View them by clicking on the “Allocations” link under “2014-2015 Title III Application” on the Title III webpage.

APPENDIX II: PURPOSE AND USE OF TITLE III FUNDS

All activities must *supplement* the level of federal, state, and local public funds, *not supplant* them. If the LEA would be required to pay for this service or item in the absence of Title III funding, then local funds rather than Title III funds should be used. **LEAs may not use more than 2% of funds for direct or indirect costs.**

Required Subgrantee Activities:

- 1) To increase the English proficiency of LEP children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency and student academic achievement in the core academic subjects;
- 2) To provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is
 - designed to improve the instruction and assessment of LEP children;
 - designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for LEP children;
 - based on scientifically based research demonstrating the effectiveness of the professional development in increasing children’s English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
 - of sufficient intensity and duration (which shall not be limited to activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom.

Authorized Subgrantee Activities

Subject to the requirements above, LEAs may use the funds to achieve one of the purposes described previously by undertaking one or more of the following activities:

- 1) Upgrading program objectives and effective instruction strategies;
- 2) Improving the instruction program for LEP children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures;
- 3) Providing tutorials and academic or vocational education and intensified instruction;
- 4) Developing and implementing elementary or secondary language instruction educational programs that are coordinated with other relevant programs and services;
- 5) Improving the English proficiency and academic achievement of LEP children;
- 6) Providing community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families to improve the English language skills of LEP children, and to assist parents in helping their children to improve their academic

achievement and becoming active participants in the education of their children;

7) Improving the instruction of LEP children by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication, and incorporation of such resources into curricula and programs such as those funded by this subpart;

8) Carrying out other activities that are consistent with the purposes of this section.

¹ **"Scientifically based research"** is defined as research that employs systematic, empirical methods that draw on observation or experiment; involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and relies on measurements or observational methods that provide reliable and valid data across evaluators and observers. (NCLB, Title IX, Definitions)

APPENDIX III: PRIVATE SCHOOL PARTICIPATION IN TITLE III PROGRAMS

Authorities

No Child Left Behind Act of 2001, Title IX, Part E, Sections 9501-9506 Education Department General Administrative Regulations (EDGAR), Part 76, Sections 76.650-76.662

Statutory/Regulatory Requirements

After timely and meaningful consultation with appropriate private school officials, local educational agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the LEA.

To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as:

- how the LEP children's needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;
- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the services to be provided to the private school children and educational personnel;
- the amount of funds available for those services;
- how and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.

Title III services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs.

Funds provided for educational services for private school children and educational personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.

Title III services provided to private school children and educational personnel must be secular, neutral, and non-ideological.

LEAs may serve private school LEP children and educational personnel either directly or through contracts with public and private agencies, organizations, and institutions.

The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.

Services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.

Providers of services to private school children and educational personnel must be independent of the private school and of any religious organization, and the providers' employment or contract must be under the control and supervision of the LEA.

Funds used to provide services to private school children and educational personnel must not be commingled

with non-Federal funds.

Frequently Asked Questions

What is meant by “equitable” participation by public and private school students and educational personnel in a Title III program?

Participation is considered to be equitable if the LEA (1) assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel in the same manner; (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

Must an LEA’s Title III program design be the same for both public and private school students and educational personnel?

No. Consultation and coordination between LEA and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet. The LEA must assess the needs of private school students and educational personnel in designing a program that meets their needs. If their needs are different from those of public school students and educational personnel, the LEA, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.

What recourse is available if an LEA will not use its Title III funds to provide equitable services to private school children and educational personnel?

Complaints about an LEA’s failure to provide equitable services to private school children and educational personnel must first be submitted to the State educational agency for resolution. The State’s resolution or failure to make a resolution may be appealed to the U.S. Department of Education. If after due process a by-pass determination is made, the Department arranges for the services for eligible private school children and educational personnel and pays the cost of those services from the LEA’s Title III allocation.

Are private school students receiving Title III services required to participate in the English language proficiency assessments that are required of public school students receiving Title III services?

Yes. Private school students receiving Title III services, like participating public school students, must be assessed annually for their level of English proficiency in the domains of speaking, listening, reading, writing, and comprehension. The State assessments may be used, if they are appropriate, or other assessments, such as those administered by the private school, may be used. In any case the assessments must be comparable to those used for the public school students and aligned with the achievement of the academic content and student academic achievement standards established by the State or by the private school.

Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?

Yes. Like teachers serving public school LEP students, teachers providing Title III services to private school students, whether LEA employees or third-party contract employees, are subject to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.

APPENDIX IV: PARENTAL NOTIFICATION & PARTICIPATION

Title III, SECTION 3302

Parental Notification

Within 30 days of start of school year, or within two weeks of placement if not identified prior to the beginning of school, the LEA must notify the parent(s) of LEP students participating in Title III programs [in an understandable and uniform format and, to the extent practicable, in a language that they can understand] of:

- (1) the reasons for their child's identification as LEP and for placement in a language instruction educational program;
- (2) the child's level of English proficiency, how assessed, and status of the child's academic achievement;
- (3) the method of instruction used in child's program;
- (4) how the program will help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
- (5) the specific exit requirements for such program, expected rate of transition, and expected rate of graduation (if Title III funds are used for children in secondary school);
- (6) how such program meets the objectives of the child's IEP (in the case of a child with a disability); and
- (7) the rights of the parent(s):
 - to remove their child from such program upon their request; and
 - to decline to enrollment in the program or to choose another program, if available; and
 - to be assisted in selecting from among various programs and methods of instruction, if more than one program or method is offered.

The LEA must also separately inform a parent if the district's or consortium's program has failed to make progress on the annual measurable achievement objectives (Section 3122), not later than 30 days after such failure occurs.

Note: The LEA must inform parents annually of their child's continuing placement in a Title III program.

Parental Participation

In general, each LEA shall implement an effective means of outreach to inform parents of LEP children of how they can —

- (A) be involved in the education of their children;
- (B) be active participants in assisting their children learn English, achieve at high levels in core academic subjects, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

This outreach shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents.

Section 3126. Legal Authority under State Law -Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

Section 3127. Civil Rights -Nothing in this part shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

APPENDIX V: TITLE III REPORTS, EVALUATION AND ACCOUNTABILITY

A condition for receiving Title III funds is that an LEA or Consortium agrees to provide the State with evaluation and accountability data.

Monitoring Report

The NHDOE Title III office will monitor the progress of LEAs in implementing programs and activities on an annual basis and work with them to identify technical assistance and training necessary to build an effective program for LEP students. LEAs must submit the Program Self-Assessment form and other documents as requested by the State Title III office. The State office, in turn, will send a monitoring report to the LEAs after onsite or desk monitoring.

Annual Program Activity Report

LEAs must submit an annual report that documents program accomplishments as well as any barriers to implementation of Title III-funded activities. Information in this report should then form the basis for changes in the next project period. To be eligible for continued funding, all subgrantees, including Consortium member districts, must attach their annual report to the Title III online application by **August 29, 2014**, the deadline for submission of the 2014-15 Title III application.

Data Collection and Evaluation Reports

LEAs must provide data for program evaluation and accountability. These data will be compiled to determine the effectiveness of programs and activities in helping LEP students attain English proficiency and meet the same challenging State academic content and student achievement standards as all other students are expected to meet.

1. LEAs are responsible for collecting, entering, and certifying LEP student information on the State database in a timely manner.
2. LEAs must administer the annual ACCESS for ELLs® test to all LEP students.
3. LEAs must administer the annual NECAP State assessment to LEP students in the required grades (with the exception of the reading/language arts section for LEP students who have been enrolled for one academic year or less in US schools).

The State Title III office will use the resulting data for federal reports and for making accountability determinations.

Improvement Plan

If an LEA or Consortium fails to meet one or more Annual Measurable Achievement Objectives (AMAOs) for two or four consecutive years, the entity must develop an improvement plan, as described in Sections 3122(b)(2) and (b)(4) of Title III law. The improvement plan must specifically address the factors that prevented the LEA from achieving the AMAOs. *See Appendix IV for parental notification requirements.*

APPENDIX VI: CLARIFICATION ON TITLE III REQUIREMENTS FOR CONSORTIA **Title III, SECTION 3302**

Questions and Answers Regarding Consortia of LEAs Under Title III, Part A

Under the Title III State Formula Grant Program, if an LEA does not have a sufficient number of limited English Proficient (LEP) students enrolled to qualify for a minimum subgrant of \$10,000 under Section 3114(a), it may – to be part of an eligible entity that meets this minimum – apply for a subgrant jointly in consortia with other LEAs. A consortium of LEAs must meet the same Title III requirements applicable to all LEA subgrantees. However, SEAs are ultimately responsible for ensuring that all Title III subgrantees, including, meet Title III requirements. As States have embarked upon providing Title III subgrants consortia, numerous questions have arisen regarding the administration of subgrants to consortia and the responsibilities

of the LEA members of each consortia, including accountability for consortia in meeting Title III annual measurable achievement objectives (AMAO's). These questions and their responses are presented below.

1. What is the definition of local educational agency?

Title IX, Section 9101 (26) defines "local education agency" "in general" as "a public board of education or other public authority legally constituted within a State for either administrative control or direction of , or to perform a service function for, public elementary or secondary schools in a city, country, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools."

2. What is the definition of educational service agency?

Under Title IX , Section 9101 (17) the term "educational service agency" means "a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies." This definition may be useful for States and LEAs in determining the roles and responsibilities of State entities such as intermediate units and regional service centers.

3. What responsibilities does a consortium of LEAs have in terms of meeting Title III requirements?

A consortium of LEAs formed as an eligible entity for the purpose of receiving a Title III sub grant under Section 3114 (a), is responsible for meeting all of the Title III requirements just like any other individual LEA subgrantee. In order to enter into a consortium, participating LEAs must develop a memorandum of understanding or alternative arrangement that outlines how the consortium will meet all Title III requirements, including: Title III AMAOs, parental notification to parents of participating LEP students, and participation in an improvement plan if the consortium as a whole, or individual LEAs within the consortium, fail to meet Title III AMAOs for two consecutive years. It is the responsibility of the SEA to provide guidance to LEAs in the State regarding the designation of a fiscal agent and other information to be included in such agreements.

4. When must a LEA consortium designate a fiscal agent?

A consortium must designate one of the LEAs as its fiscal agent either in its consortium application to the SEA or in a separate contractual arrangement.

5. What is the role of the fiscal agent?

The fiscal agent is responsible for ensuring that consortium members fulfill their fiscal and programmatic responsibilities as subgrantees under Title III, including meeting the annual measurable achievement objectives (AMAO)'s defined in Section 3122 of the statute.

6. How does the fiscal agent ensure that the consortium members fulfill their subgrantee responsibilities?

The fiscal agent is responsible for taking steps, either on its own, through its LEA partners, or in conjunction with the SEA, that result in all participating LEAs meeting their responsibilities under Title III to the LEP children they serve.

7. What is the role of an educational service agency that is the designated fiscal agent for a consortium?

An educational service agency that is the designated fiscal agent for a consortium has the same role and responsibilities as any other LEA that has been designated fiscal agent.

8. How does a SEA determine whether a consortium has met Title III AMAOs?

An SEA must aggregate the data from all LEAs in a consortium to determine if the consortium as a whole met each of the Title III AMAOs.

9. How should a consortium of LEAs notify parents if it fails to meet Title III AMAO targets?

Under the parental notification requirements in Section 3302, an eligible entity that fails to meet the AMAOs in any year is required to notify the parents of LEP students served under Title III of that failure. In a

consortium, the fiscal agent must ensure that such notice is provided to parents. The fiscal agent must either delegate this responsibility to each of the LEAs in the consortium, or the fiscal agent may choose to notify all the parents of the LEP children served by the consortium.

10. Must Title III funded consortia develop improvement plans if they do not meet Title III AMAOs?

Yes, all Title III LEAs, including a consortium of LEAs, that do not meet AMAO targets for two consecutive years must develop an improvement plan (Section 3122 (b)(2)). This improvement plan must address the factors that prevented the subgrantee from meeting AMAO targets.

11. What is the role of the fiscal agent to oversee the development and implementation of an improvement plan?

The fiscal agent is responsible for ensuring that an improvement plan is developed and submitted to the SEA. The fiscal agent can delegate the responsibility for drafting of the plan to its LEA members, in particular, those LEAs in the consortium that did not meet the AMAO's and would include in the plan the specific areas that caused the consortium to not meet the Title III AMAO's. The consortium memorandum of understanding or its application to the SEA should specify the responsibilities of both the fiscal agent and individual LEAs with regard to developing and implementing their improvement plans. The fiscal agent could seek technical assistance from the State, both for itself and the LEAs in the consortium, on the preparation of an improvement plan. A fiscal agent that lacks the authority to compel an LEA to take steps required either by Title III or by the SEA to meet its AMAOs should seek assistance from its SEA.